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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U.S. SMALL BUSINESS
ADMINISTRATION, as Receiver for
PROSPERO VENTURES, L.P.,

Plaintiff,

v.

DONALD K. EMERY,

Defendant.

NO. C 07-03741 VRW

Related Cases:

C 07-03732, C 07-03733, C 07-03735,
C 07-03736, C 07-03737, C 07-03738,
C 07-03739, C 07-03740

**NOTICE OF NO OPPOSITION TO
PLAINTIFF'S MOTION TO STRIKE
AFFIRMATIVE DEFENSES**

Date: May 8, 2008
Time: 2:30 p.m.
Ctroom: 6, 17th Floor

Date Complaint Filed: July 19, 2007
Trial Date: Not yet set

TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR RESPECTIVE
ATTORNEYS OF RECORD:

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1 Please take notice that no opposition has been filed to Plaintiff's Motion to Strike
2 Affirmative Defenses.

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4 Dated: April 21, 2008

Respectfully submitted,

6 COLEMAN & HOROWITT, LLP

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9 By: /S/
10 CHRISTINE J. LEVIN
11 Attorneys for Plaintiff,
12 U.S. SMALL BUSINESS
13 ADMINISTRATION, as Receiver
14 for PROSPERO VENTURES, L.P.
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PROOF OF SERVICE

I declare that I am a citizen of the United States of America and a resident of the County of Fresno. I am over the age of eighteen (18) years and not a party to the within action. My business address is 499 West Shaw, Suite 116, Fresno, California 93704.

On April 21, 2008, I served the foregoing document(s) described as **NOTICE OF NO OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE AFFIRMATIVE DEFENSES** on the interested parties, addressed as stated on the attached service list.

☒ BY MAIL - by placing ☒ a true and correct copy ☐ the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm's outgoing mail. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with United States Postal Service on that same day in the ordinary course of business.

☒ BY CALIFORNIA OVERNIGHT - by placing ☒ a true and correct copy ☐ the original thereof enclosed in a sealed envelope for delivery via California Overnight next day delivery to the addressee noted above.


☐ BY HAND DELIVERY - by delivering by hand and leaving a true copy with the person and at the address shown above.

☐ BY FACSIMILE TRANSMISSION - by causing a true facsimile thereof to be electronically transmitted to the parties, by using their facsimile number indicated on the attached service list.

☐ STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on April 21, 2008, at Fresno, California.



Lisa R. Barr

Service List

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Via California Overnight:

Chambers Copies

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